Remarks

Claims 1-13, 16, 18-19, 21, 23-30, 32, 34-35 and 37 have been amended.

Claims 14, 20 and 22 and have been canceled. Reconsideration and allowance of the

pending claims are respectfully requested.

Specification

The Office Action objected specification because of no mention of a "server

identifier" or "software device identifier" in the specification to support claims 2 and 7,

and 3, 8, 12 and 19 respectively. Applicant has amended "server identifier" and

"software device identifier" of the above-stated claims into "server platform identifier"

and "device module identifier", whose support from the specification resides in

paragraphs 0019 and 0027. Further, for consistency, Applicant has amended

"software device" of the claims into "device module".

The Office Action further objected specification because of no mention of

multiple servers in the specification to support the "second server" in claims 13, 21 and

34. Applicant has amended "second server" of claims 13, 21 and 34 into "another

server platform" to correspond to "second server platform" in paragraph 0040 of the

present application, which describes "more than one server platform (e.g., owner

server platform 620 and I/O server platform 6200) may connect with the client platform

10/30 through the network 40 to provide them with device virtualization/simulation

services." Fig. 6 also depicts two server platforms.

Applicant respectfully requests reconsideration and withdrawal of the present

objections.

Claims Objections

The Office Action objected claims 4, 9, 14, 22, 28-29 and 35 and suggested

changing "the input operation" of these claims to "input/output operation". Applicant

has amended the claims as suggested. Reconsideration and withdrawal of the present

objections are respectfully requested.

Claims Rejections Under 35 U.S.C. 101

Claims 1-5, 11-17 and 32-39 rejections

The Office Action rejected claims 1-5, 11-17 and 32-39 under 35 U.S.C. 101

because the claims neither tied to a particular machine nor transform underlying

subject matter, See page 10 of In Re Bilski 88 USPQ2d 1385. In Re Bilski, a claimed

process is patent-eligible under § 101 if: (1) it is tied to a particular machine or

apparatus, or (2) it transforms a particular article into a different state or thing.

Applicant has amended claims 1, 6, 11, 18 and 32 to tie requesting, sending and/or

receiving in the claimed methods to a particular hardware device, namely, client

network interface and/or server network interface. Applicant respectfully submits that there is nothing in Bilski decision that requests each step of a claimed method should be tied to a particular hardware device. Therefore, Applicant believes that the amended claims meet "machine-or-transform" test In Re Bilski. Reconsideration and withdrawal of the present rejection are respectfully requested.

<u>Claims 6-10 and 18-25 rejections</u>

The Office Action rejected claims 6-10 and 18-25 under 35 USD 101 due to being directed to non-statutory subject matter. Applicant has amended subject matter of each of claims 15-21 into **a storage device**, which would cover tangible embodiments as disclosed in the specification as well as other tangible embodiments that are apparent to a skilled person. Applicant respectfully requests reconsideration and withdrawal of the present rejection.

Claims Rejections Under 35 U.S.C. 102

The Official Action rejected claims 1-3, 6-8, 11-12 and 18-19 under 35 USC 102(e) as being anticipated by Bantz et al. (US 2006/0107269). Applicant respectfully requests reconsideration and withdrawal of the present rejection.

As is well-established, in order to successfully assert a prima facie case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even

one element or limitation is missing from the cited document, the Office Action has not

succeeded in making a prima facie case.

Claims 1-3 and 6-8 rejections

Each of claims 1-3 and 6-8 requesting that determining that **an input/output**

operation related to an input/output device **happens in a virtual machine of the**

client platform, is unanticipated by Bantz.

Bantz teaches a system comprising a server running multiple virtual machines,

a user machine connected to the server via a network, a device near the user's

location, and a virtual device hub connected to the server via the network and plugged

with the device so as to enable the device to be virtualized with the remote virtual

machine on the server (Fig. 1). With this system, the user runs an application on the

remote virtual machine for I/O operation related to the device, in which the application

"sees" the device as its local device (See lines 3-4 of paragraph 0009, lines 5-8 of

paragraph 0029, lines 6-8 of paragraph 0030).

Applicant respectfully submits that Bantz teaches the virtual machine is

installed on the server, rather than on the client. Further, Bantz discloses that the user

does not perform any of the processing, but simply operates like a thin client (See lines

2-4 of paragraph 0010). In other words, the user of Bantz more likes a terminal, while

I/O operations are actually run on the virtual machine of the server, rather than on the

virtual machine of the client.

In view of the above, Bantz teaches away from claims 1-3 and 6-8, which

requests determining that **an input/output operation** related to an input/output

device **happens in a virtual machine of the client platform**.

Since Bantz does not disclose each and every limitation of claims 1-3 and 6-8,

Bantz does not anticipate the invention of claims 1-3 and 6-8. Applicant respectfully

requests the rejection of claims 1-3 and 6-8 be withdrawn.

Claims 11-12 and 18-19 rejections

For similar reasons proffered for claims 1-3 and 6-8, each of claims 11-12 and

18-19 requesting constructing a feedback with the result and a virtual machine

identifier to identify **a virtual machine in the client platform that is executing the**

input/output operation, is unanticipated by Bantz. Applicant respectfully requests

the rejection of claims 11-12 and 18-19 be withdrawn.

Claim 32 rejections

For similar reasons proffered for claims 1-3 and 6-8, claim 32 reciting

determining that **an input/output operation related to an input/output device**

happens in a virtual machine of the client platform, is unanticipated by Bantz.

Applicant respectfully requests the rejection of claim 32 be withdrawn.

Claims Rejections Under 35 U.S.C. 103(Bantz/Kaneda)

The Office Action rejects claims 4-5, 9-10, 14-17, 22-31 and 35-39 under 35. U.S.C. 103 as being unpatentable over Bantz in view of Kaneda et al (US4,860,190). Applicant respectfully requests the rejection of claims 1-21 be withdrawn for the following reasons. Each of claims 4-5, 9-10, 14-17, 22-31 and 35-39 include one of claims 1, 6, 11, 18 and 32 as a base claim and are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 4-5, 9-10, 14-17, 22-31 and 35-39 be withdrawn.

Claims Rejections Under 35 U.S.C. 103(Bantz/Knauer)

The Office Action rejects claims 13, 20-21 and 33-34 under 35. U.S.C. 103 as being unpatentable over Bantz in view of Knauer et al (US2005/0198303). Each of claims 13, 20-21 and 33-34 include one of claims 11, 18 and 32 as a base claim and are therefore allowable for at least the reasons stated above. Applicant respectfully requests the present rejection of claims 13, 20-21 and 33-34 be withdrawn.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action.

Applicants submit that the application is in condition for allowance. Reconsideration is

requested, and allowance of the pending claims is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or

1.17, or any excess fee has been received, please charge that fee or credit the amount

of overcharge to deposit account #02-2666. If the Examiner believes that there are any

informalities which can be corrected by an Examiner's amendment, a telephone call to

the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,

Date: <u>July 21, 2009</u>

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